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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph de la Torre et al.

Group Art Unit:

Serial No.: 10/666,707

Examiner:

Filed: September 19, 2003

Attorney Docket: MED-019

Title: Pericardial Retractor

I hereby certify that this correspondence is being deposited on this day with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

David P. Gordon

Feb 13, 2004

David P. Gordon

Date

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

SUBMITTAL OF DECLARATION AND POWER OF ATTORNEY AND ADDITIONAL FEE

Please find enclosed a Declaration and Power of Attorney document and 14 pages of drawings that are believed to comply with 37 CFR 1.84 and 1.121 of the Patent Office in the above-referenced case which completes the requirements for filing. Enclosed is a check in the amount of \$65, made out to the Commissioner of Patents and Trademarks, to cover the cost of the late submittal of the Declaration and Power of Attorney document. If any additional fees are due, please charge them to my deposit account number 07-1732.

Respectfully submitted,

David P. Gordon

David P. Gordon

Reg. No. 29,996

Attorney for Applicant(s)

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February 13, 2004

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed for and for which a patent is sought on the invention entitled

PERICARDIAL RETRACTOR

the specification of which

☐ is attached hereto.

☒ was filed on: September 19, 2003

as application Serial Number: 10/666,707

and was amended on (if applicable):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I verify that I am qualified as an independent inventor under Title 37, Code of Federal Regulations, Section 1.9(c), and my obligation to assign rights to this invention, if any, is to a qualified small business concern under Title 37, Code of Federal Regulations, Section 1.9(d).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| | Serial No. | Country | Filing Date (D/M/YR) | Priority Claimed? | |
|----|------------|---------|-------------------------|------------------------------|-----------------------------|
| 1. | | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application listed below:

| | Application Ser. No. | Filing Date |
|----|----------------------|-------------|
| 1. | | |

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | Application Ser. No. | Filing Date | Status (patented, pending, abandoned) | |
|----|----------------------|-------------|---|--|
| 1. | | | | |

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

David P. Gordon (29,996)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST INVENTOR

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